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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,219	09/25/2006	John Syron	SYRO 0101 PUS	3351
22045	7590	12/02/2008	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EDWARDS, LAURA ESTELLE	
			ART UNIT	PAPER NUMBER
			1792	
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			12/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,219	Applicant(s) SYRON, JOHN	
	Examiner Laura Edwards	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1792

Drawings

The replacement/correction drawing was received on 8/14/08. This drawing is acceptable.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 25-28 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusincovitch et al (US 5,866,220) in view of Jones et al (US 4,420,520) for reasons set forth in the previous office action.

Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusincovitch et al (US 5,866,220) and Jones et al (US 4,420,520) as applied to claim 25 above, and further in view of Ochi et al (US 5,008,139) for reasons set forth in the previous office action.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusincovitch et al (US 5,866,220) in view of Jones et al (US 4,420,520) and Harrell et al (US 6,183,580) for reasons set forth in the previous office action.

Art Unit: 1792

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langeman (US 6,284,319) in view of Rusincovitch et al (US 5,866,220) and Jones et al (US 4,420,520) for reasons set forth in the previous office action.

Response to Arguments

Applicant's arguments filed 8/14/05 have been fully considered and summarized below but they are not persuasive.

Applicant contends that the rejection of Rusincovitch and Jones or any of the other supplemental art should be withdrawn because the present invention deals with providing a mask that is releasably bonding to a painted surface, preferably with a non-silicone adhesive material (col. 8, lines 25- 26), the adhesive being one that would not transfer to the painted surface during use while Rusincovitch uses an adhesive contradictory to the present invention and is silent on the matter of transfer to the painted surface and ability to be releasably bonded to the painted surface. Rusincovitch further teaches away from the claimed semi-transparent mask, preferring an opaque substrate. Rusincovitch does not teach the masked layers being cut into the shape of a corresponding portion of a vehicle body. Rusincovitch does not teach the textured surface to which paint can adhere.

All arguments above with respect to Rusincovitch are acknowledged but are not deemed persuasive because the instantly claimed invention does not exclude the use of a non-silicone adhesive material and while Rusincovitch uses the mask on a wall, the intended use of the mask with respect to the mask claimed product itself, is given no patentable weight. However, Rusincovitch does set forth use of the masking product in the automotive area (col. 3, lines 44-

Art Unit: 1792

50). As for the Rusincovitch adhesive being contradictory to the present invention, Rusincovitch provides for a repositionable masking product such that the adhesive would enable a releasable bond with respect to a surface to which the mask is applied. As for the cutting of the mask product, one of ordinary skill in the art would expect to cut the mask to fit or meet the surface to which it is to be adhered but even so Harrell provides for the teaching of cutting the mask as desired (col. 6, lines 9-25), Thus a cut masking product is deemed to be within the purview of one skilled in the art. As for the textured surface, the provision of placement of the mask on a surface with an edge of excess of the masked folded back to face the user would provide for a textured/tacky surface to grip for removal of the mask when the painting application is finished.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 1792

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura Edwards/
Primary Examiner
Art Unit 1792

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November 24, 2008